

NINETY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, August 10, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair.
Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

On motion of Senator J. R. Henry, Senator Crain was temporarily excused.

On motion of Senator Ford, Secretary Chalmers was excused for the day, on account of sickness.

Senator Ford presented the petition of the Assistant Clerks in the Land Office, "asking that their salaries be made equal to the Assistant Clerks in the other departments of the government."

Referred to the Committee on Finance.

Senator Stephens, Chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully examined, and compared, and find correctly engrossed, Senate Bill No. 375, "An Act to provide for supplying lost records in certain cases."

STEPHENS, *Chairman.*

Senator Crain, from the Committee on Engrossed Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully read, examined and compared Senate Bill No. 380, "An Act to amend Section 58 of an act entitled, 'An Act concerning private corporations,' approved April 23, 1874," and find the same correctly engrossed.

CRAIN, *for Committee.*

House Bill No. 33, "An Act to prevent the removal or sale by the lessee or renter of animals, tools, or other property furnished by the landlord to the tenant, and of the crops raised on rented premises, before the landlord has been paid for such animals, tools, and other property so furnished the tenant by the landlord, and for the rent due the landlord for such rented premises," was taken up and read third time.

Senator Brown moved that the bill be indefinitely postponed.

Senator Edwards moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senators Crain, Martin, McLeary, Stephens—4.

Pending the call the bill went to the table.

A message was received from the House, announcing the passage by that body of the following bills:

House Bill No. 386—"An Act to authorize the Comptroller to draw his warrant on the State Treasurer in favor of the County Treasurer for the use and benefit of the county, for all amounts that were illegally assessed and collected on account of the frontier tax of 1873, and paid into the State Treasury."

House Bill No. 406—"An Act to authorize the Commissioners' Courts to procure buildings for the use of the County Courts in certain cases."

House Bill No. 416—"An Act to prohibit the Judges of County Courts of this State from practicing as attorneys or counselors-at-law in the County Courts and the Courts of Justices of the Peace of this State, and to fix a penalty for the violation of its provisions."

House Bill No. 192—"An Act to amend the act of the 8th of November, 1866, amending an act entitled, 'An Act to establish a penal code,' approved August 26, 1856."

Also, that the House has concurred in Senate amendments to House Bill No. 24—"An Act defining what money and property is subject to taxation or exemption and the mode of listing the same."

The President *pro tem.*, after publicly reading their captions, signed the following bills:

House Bill No. 419—"An Act to establish an Agricultural and Mechanical College of Texas for the benefit of colored youths, and to make appropriations therefor."

House Bill No. 212—"An Act to facilitate commerce and navigation within the navigable waters of the State of Texas."

Also, House Joint Resolution No. 424—"Validating acts of W. T. Neale as Notary Public."

House Bill No. 59 "An Act to amend the fifth section of 'An Act concerning rents and advances,' approved April 4, 1874," was taken up and read third time.

On motion of Senator Piner the call was suspended, and the consideration of House Bill No. 33 was resumed.

The motion of Senator Brown, to indefinitely postpone the bill, was carried by the following vote, and bill lost:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Storey, Terrell, Thompson, Wortham—23.

NAYS—Senators Douglass, Henry F. M., Ledbetter—3.

NOT VOTING—Senator Stephens—1.

Senator Piner moved to reconsider the vote just taken and lay that motion on the table.

Carried.

The consideration of House Bill No. 59 was resumed.

Senator Blassingame moved to indefinitely postpone the bill.

Lost by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Francis, Henry J. R., Henry F. M., Ledbetter, Martin—8.

NAYS—Senators Burton, Crain, Douglass, Edwards, Grace, Guy, Hobby, McLeary, McCormick, Piner, Ripetoe, Stephens, Storey, Thompson, Wortham—15.

NOT VOTING—Senators Ford, McCulloch, Moore, Terrell—4.

The bill then passed by the following vote:

YEAS—Senators Brown, Burton, Crain, Douglass, Edwards, Grace, Guy, Hobby, McLeary, McCormick, McCulloch, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—18.

NAYS—Senators Ball, Blassingame, Francis, Henry J. R., Henry F. M., Ledbetter, Martin—7.

NOT VOTING—Senators Ford, Moore—2.

Senator Stephens, Chairman Committee on Engrossed Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully examined, compared and found correctly engrossed, Senate Bill No. 351, "An Act to provide for filling vacancies in the office of District Clerks."

STEPHENS, *Chairman.*

On motion of Senator Edwards, the rules were suspended, and House Bill No. 345, "An Act to diminish the civil and criminal jurisdiction of the County Court of Angelina county, and to conform the jurisdiction of the District Court of said county to such change," was taken up, read second time and passed to a third reading.

Senator Crain in the chair.

Senator Edwards moved to suspend the rules, and place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Blassingame, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Guy, Hobby, Ledbetter, McLeary, McCormick, McCulloch, Moore, Ripetoe, Storey, Terrell, Wortham—19.

NAYS—Senators Ball, Grace, Henry J. R., Martin—4.

NOT VOTING—Senators Henry F. M., Piner, Stephens, Thompson—4.

Bill read third time, and passed by the following vote:

YEAS—Senators Brown, Burton, Crain, Edwards, Francis, Ford, Guy, Hobby, Ledbetter, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Storey, Terrell, Thompson, Wortham—20.

NAYS—Senators Ball, Blassingame, Grace, Henry J. R., Henry F. M., Martin—6.

NOT VOTING—Senator Stephens—1.

Senators Blassingame, Henry J. R. and Martin were permitted by the Senate to change their votes from the negative to the affirmative, on the vote just taken, making 23 votes for, and 3 against, the final passage of House Bill No. 345.

On motion of Senator Wortham, the rules were suspended, and House Joint Resolution No. 281, "To grant limited use of a certain tract or lot of land in the city of Austin to the Methodist Episcopal Church, South, of said city," was taken up, and read first time.

Senator McCormick in the chair.

On motion of Senator Blassingame, the rules were suspended, and Senate Bill No. 170, "An Act to amend an act entitled, 'An Act to regulate the practice of medicine,'" passed May 16, 1873, was taken up, and read second time.

Senator Crain in the chair.

The amendments of the committee were considered and acted on *seriatim*.

The first, second, third, fourth and fifth amendments of the committee were adopted.

The sixth amendment of the committee was considered. The portion striking out Section 5 was not adopted.

Senator McCormick offered the following as a substitute for the proviso of the committee to Section 5:

"*Provided, further*, that nothing in this act shall be so construed as to exclude or disqualify any person who has been practicing medicine in any county in this State since 1870, nor to females who follow the practice of medicine strictly as such."

Lost.

Senator Blassingame moved the adoption of the proviso of the committee to Section 5.

Adopted.

The seventh amendment of the committee to strike out Section 6, and insert, "a clause repealing the act of 1873," was adopted.

Senator Grace offered the following as a substitute for the amendment of the committee to Section 5:

"*Provided*, that nothing in this act shall be so construed as to apply to those who have been regularly engaged in the general practice of medicine in this State or in any of its branches or departments prior, and since 1870, in their respective counties."

Laid on the table.

Senator Martin moved to strike out of the proviso to Section 5, the words, "their respective counties," and insert, "this State."

Adopted.

Senator Ball offered the following amendment:

Strike out the words, wherever they occur in the bill, "Presiding Judges of the District Courts of the several Judicial Districts," and insert, in lieu thereof, these words, "Commissioners' Courts of the several counties," except in Section 5.

Lost.

Also, the following additional section:

"SEC. 7. All persons holding certificates granted under this act, and all others proposing to engage in the practice of medicine, in any of the counties of this State after the first of January, 1880, shall present to the Clerk of the court a diploma from an accredited medical school, before engaging in the the practice of medicine, which diploma shall be recorded as directed in Section 2 of this act."

On motion of Senator Moore, it was laid on the table.

Senator McCulloch offered the following:

Amend Section 2, line 2, by inserting, after the word, "his," so as to read, "diploma or."

Lost by the following vote:

YEAS—Senators Ball, Ford, Hobby, McCormick, McCulloch, Piner, Stephens, Wortham—8.

NAYS—Senators Blassingame, Brown, Burton, Crain, Edwards, Francis, Grace, Guy, Henry J. R., Henry, F. M., Ledbetter, Martin, Moore, Ripetoe, Storey, Terrell, Thompson—17.

NOT VOTING—Senators Douglass, McLeary—2.

Senator Piner moved to amend Section 1, lines 4 and 5, by striking out the words, "as a means of livelihood."

Adopted.

Senator Ball offered the following:

After the letter, "a," Section 1, line 5, insert the following words, "diploma from an accredited medical school, chartered by an act of the Legislature of any State of the United States, or a."

Senator Martin moved the previous question on the pending amendment and the bill.

Seconded and the main question ordered.

Senator Ball's amendment was lost and the bill ordered engrossed.

The Committee of Free Conference made the following report:

Hon. Wells Thompson, President pro tem. of the Senate :

Your Committee of Free Conference, appointed to confer with a like Committee from the House, on the differences existing between the two Houses concerning the Senate amendments to House substitute for House Bill No. 77, "An Act to define the duties, powers, rights, and qualifications and liabilities of Assessors of Taxes, and to regulate their compensation," have carefully considered the same, and instruct me to report the following:

That the Senate recede from amendments Nos. 2 and 3, to Section 16.

That Senate amendment No. 4 to Section 14, line 63 (51), is agreed to.

Senate amendment No 7, to Section 14, lines 61 and 65 (53), is also agreed to.

Senate amendment No. 9, to Section 27, the Senate to recede.

Senate amendment No. 10, amended by striking out the word, "per," after the word, "half," in line 5 of the amendment, and as amended agreed to.

Senate amendment No. 11, to Section 6, amended by striking out, "education," wherever it occurs, and inserting, "equalization;" and also after the word, "notify," in line 24, insert the words, "by mail or otherwise," and as amended agreed to.

Senate amendment No. 6, to Section 6, amended so as to read: "After the word, 'county,' in Section 6, line 15, insert the words, 'and all personal property in the State,'" and, as amended, agreed to.

MARTIN, *Chairman Senate Committee.*

COCHRAN, *Chairman House Committee.*

Report adopted.

President *pro tem.* in the chair.

The President *pro tem.*, after reading its caption, signed House Bill No. 399: "An Act to define the Eighth Judicial District, and to fix the times for holding the courts therein."

Senator Storey, Chairman of the Committee of Conference on the disagreement between the two Houses on House Bill No. 412, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate :

Your Senate and House Committees, appointed to confer on the matter of disagreement between the two Houses on House Bill No. 412, "An Act making appropriations for deficiencies for the fiscal year ending August 31, 1875, and previous years," have considered the same, and have failed to agree, and ask that the committee be made one of free conference.

STOREY,	}	<i>Senate Committee.</i>
PINER,		
EDWARDS,		
McCOMB,	}	<i>House Committee.</i>
BAKER,		
CHAMBERS,		

The report of the committee was adopted, and Senators Storey, Piner and Edwards were appointed a Committee of Free Conference.

Senator Storey, Chairman of Committee on Finance, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate :

Your Committee on Finance have had under consideration House

Bill No. 411, "An Act to make appropriations for the support of the State Government for the fiscal years ending Aug. 31, 1877, 1878, and for the additional period of time ending December 31, 1878," and I am instructed to return the bill with sundry amendments, and to recommend that the same, as amended, do pass. *STOREY, Chairman.*

EXECUTIVE OFFICE.

In line 2, strike out, "\$1500," in first and second columns, and "\$500," in third column, and insert, "\$1800," in first and second columns; and insert, "\$600," in third column.

In line 12, strike out, "\$200," in first and second columns, and, "\$66.66 $\frac{2}{3}$," in third column; and insert, "\$350," in first and second columns, and "\$116.66 $\frac{2}{3}$," in third column.

In last line, strike out, "\$10,000," in first and second columns, and "\$3,333.33 $\frac{1}{3}$," in third column; and insert, "\$15,000," in first and second columns, and "\$5,000," in the third column.

TREASURY DEPARTMENT.

In line 6, strike out all after the word, "hire," and insert, "for Treasurer's and Comptroller's Department, \$600."

COMPTROLLER'S DEPARTMENT.

In line 5, strike out all after, "bookkeeper," and insert, in first and second columns, "\$1,800," and in third column insert, "\$600."

LAND OFFICE.

In line 8, strike out all after, "Clerks," and insert, in first and second columns, "\$3,000."

In line 12, strike out the words, "\$1,200, each."

Add to the Department:

"For building fence around the Land Office, \$500."

LUNATIC ASYLUM.

In line 2, strike out all after, "Superintendent," and insert, in first and second columns, "\$1,800," and in third column, "\$600."

Strike out line 14.

BLIND ASYLUM.

Strike out all after, "miscellaneous," and insert, in first and second columns, "\$12,200," and in third column insert, "\$4,100."

Add to the Department:

"For Third Assistant Bookkeeper, \$240," in first and second columns, and "\$80" in third column.

"One cook and assistant, \$360," in first and second columns, and "\$120," in third column.

"One seamstress, \$300," in first and second columns, and "\$100," in third column.

"One washer, and ironer, and assistant, \$360," in first and second columns, and "\$120," in third column.

"One new building for the year 1878, \$6,000."

DEAF AND DUMB ASYLUM.

In line 3, strike out all after the word, "teacher," and insert "\$800," in first and second columns, and in third column insert "\$266.66 $\frac{2}{3}$."

Strike out lines "12 and 13," and insert for line 12, "salary for two cooks," in first and second columns, "\$456," and in third column insert "\$152."

PUBLIC FREE SCHOOLS.

The entire available school funds annually derived from all sources, including the poll-tax, and one-fourth of the general revenue, is hereby set aside annually for the support of the public free schools of this State for the years 1877, 1878, and a proportionate part thereof, to the 31st day of December, 1878.

ADJUTANT-GENERAL'S DEPARTMENT.

In line 2, strike out all after, "Clerk," and insert in first and second columns, "\$1,800," and in third column insert "\$600."

Strike out line 3.

ATTORNEY-GENERAL'S DEPARTMENT.

In line 2, after the word, "salary," insert "and traveling expenses."

Strike out all after the word, "general," and insert in first and second columns, "\$3,000," and in third column insert, "\$1,000."

JUDICIARY.

In line 1, strike out all after, "court," and insert in first and second columns, "\$10,650," and in third column insert, "\$3,550."

In line 11, strike out all after, "reports," and insert in first and second columns "\$5,000," and in third column insert, "\$1,666.66½."

In line 12, strike out all after, "reports," and insert in first and second columns, "\$5,000," and in third column insert, "\$1,666.66½."

In line 15, add in first and second columns, "\$250," and in third column, "\$85."

In line 16, strike out, "\$500," in first and second columns, and insert, "\$166.66½," in third column; and insert in first and second columns, "\$250," and in third column, "\$85."

In line 17, strike out all after, "Judges," and insert in first and second column, "\$10,650," and in third column insert, "\$3,500."

In line 21, strike out all after, "appeals," and insert in first and second columns, "\$1,500," and in third column insert, "\$500."

In line 23, strike out all after, "appeals," and insert in first column, "\$1,500," and in second column insert, "\$500," and in third column insert, "\$300."

In line 27, strike out all after, "counties," and insert in first and second columns, "\$3,500," and in third column insert, "\$1,000."

Between lines 16 and 17 insert in first column, "for repairing Supreme Court buildings, \$750."

Add to the end of the Geological Department, "salary of State Geologist, \$2,000; geological surveys and traveling expenses, \$2,500."

On motion of Senator Storey, the bill was made the special order for to-morrow at 11 o'clock A. M., and fifty copies of the bill ordered printed.

House Bill No. 75, "An Act to amend an act entitled, 'An Act to attach the county of Crockett to the county of Kinney for judicial purposes,' approved February 10, 1875," was taken up, report of Judiciary Committee No. 1, recommending that the bill do not pass, adopted and bill lost.

On motion of Senator Ledbetter, the rules were suspended; and Sen-

ate Bill No. 108, "An Act to enable the city of Galveston to construct a sea-wall and breakwater, to levy a tax and issue bonds therefor, and to grant State aid to the same by donations of land," was taken up, and on motion of Senator McCormick, the reading of the bill was dispensed with.

Senator Ledbetter in the chair.

Senator Piner moved a call of the Senate.

Seconded.

Roll called.

ABSENT—Senators Brown, Douglass—2.

On motion of Senator Piner, the Senate adjourned until 4 o'clock this afternoon, by the following vote:

YEAS—Senators Ball, Blassingame, Francis, Grace, Guy, Henry J. R., Henry F. M., Martin, Moore, Piner, Ripetoe, Storey, Thompson—13.

NAYS—Senators Burton, Crain, Edwards, Ford, Hobby, Ledbetter, McLeary, McCormick, Stephens, Terrell, Wortham—11.

NOT VOTING—Senators Brown, Douglass, McCulloch—3.

AFTERNOON SESSION.

Senate met pursuant to adjournment. President *pro tem.* in the chair
Roll called. No. quorum present.

Senator McLeary moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senators Brown, Ford, McCulloch, Piner, Terrell—5.

A quorum being announced present the Senate proceeded to business.

Senator Edwards moved that Senator Brown be excused for the evening, on account of sickness.

Carried.

On motion of Senator Wortham, the concurrent resolution, "To adjourn on the 16th inst.," was taken up.

Senator Hobby in the chair.

Senator Grace offered the following amendment to the amendment of the committee to the resolution:

Amend by striking out, "Wednesday, the 16th inst.," and inserting, "Monday, the 21st inst., at 12 m."

Senator Grace moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senators McCulloch, Piner—2.

Pending the call, the resolution went to the table.

Senator McLeary moved a suspension of the call.

Lost.

Senator Stephens, Chairman of Committee on Enrolled Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared, and find correctly re-engrossed, Senate Bill No. 288, "An Act to provide for the guardianship of persons and estates of minors, persons of unsound mind and habitual drunkards." This bill was en-

grosred, reported, and sent to the House, where it was misplaced; this is therefore a duplicate.

STEPHENS, *Chairman*.

The consideration of House Bill No. 108 (the Galveston sea-wall bill) was resumed.

Senator Henry of Cass moved a call of the Senate.

Seconded.

Roll called.

ABSENT—Senators McCulloch, Piner—2.

On motion of Senator Crain, the call was suspended, and House Bill No. 108, "An Act to enable the city of Galveston to construct a sea-wall and breakwater, to levy a tax and issue bonds therefor, and to grant State aid to the same by donations of land," was read third time by caption, and passed by the following vote:

YEAS—Senators Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Guy, Henry J. R., Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—21.

NAYS—Senators Ball, Blassingame, Grace, Henry F. M., McLeary, Piner—6.

The consideration of the adjournment resolution was resumed.

The amendment of Senator Grace was lost.

Senator Piner moved to amend the amendment of the committee to the resolution by striking out, "the 16th inst.," and inserting in lieu thereof, "the 17th inst."

Adopted.

The report of the committee, as amended, was then adopted.

The resolution, as amended, was adopted by the following vote:

YEAS—Senators Blassingame, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry F. M., Hobby, Ledbetter, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—21.

NAYS—Senators Ball, Burton, Henry J. R., Martin, McLeary—5.

Senator Crain moved to reconsider the vote just taken, and to lay that motion on the table.

Lost.

Senator Ford moved to reconsider the vote just taken, adopting the adjournment resolution on the 17th inst.

House Bill No. 76, "An Act to define and punish barratry," was taken up and read first time.

A message was received from the House, announcing that that body had adopted the report of the Conference Committee on House Bill No. 412 (the deficiency bill), and that the Committee of Conference on said bill is appointed a Free Conference Committee to consider the same.

That the House has adopted the report of the Committee of Free Conference on the disagreement of the two Houses on House Bill No. 77: "An Act to regulate the assessment of taxes."

Also, that the House refuses to concur in Senate amendments to House Bill No. 37, "An Act regulating the duties of Tax Collectors in reference to the seizure and sale of property of delinquent tax-payers, and to define the further duties, powers, qualifications and liabilities of Collectors of Taxes, and to regulate their compensation."

House Bill No. 99, "An Act to regulate the fees to be charged by the

Commissioner of the General Land Office," was taken up and read second time.

Senator McLeary moved that the committee minority report on the bill be adopted as a substitute for the majority report on the same bill.

Adopted by the following vote :

YEAS—Senators Blassingame, Burton, Edwards, Francis, Grace, Guy, Henry J. R., Hobby, Ledbetter, Martin, McLeary, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson—17.

NAYS—Senators Ball, Crain, Douglass, Ford, Henry F. M., McCormick, Wortham—7.

NOT VOTING—Senators McCulloch, Moore—2.

The report of the committee, as thus substituted, was adopted.

Senator Piner offered the following amendment :

In Section 3, line 2, strike out the balance of the section and insert the words, "payable in lawful money of the United States, or in United States currency."

Adopted.

Senator Stephens offered the following amendment :

In Section 1, strike out lines 31 and 32, and to the word, "for," in line 33.

Adopted.

Senator Stephens offered the following amendment :

In Section 1, line 20, strike the word, "for," after the word, "patent," and insert the word, "over."

Adopted.

Senator Stephens offered the following amendment :

In Section 1, line 20, strike out, "ten," and insert, "eight."

Adopted.

Senator Edwards offered the following amendment :

Strike out the proviso in Section 5.

Adopted.

Senator Douglass offered the following amendments :

In line 12, strike out, "eight," and insert "seven," and in line 10, strike out, "six dollars," and insert, "five dollars."

Senator Stephens in the chair.

On motion of Senator Storey, the amendment was divided.

The first clause was adopted by the following vote :

YEAS—Senators Ball, Burton, Crain, Douglass, Edwards, Francis, Ford, Henry F. M., Hobby, Ledbetter, McCormick, McCulloch, Moore, Piner, Ripetoe, Wortham—16.

NAYS—Senators Blassingame, Grace, Guy, Henry J. R., Martin, McLeary, Stephens, Storey, Terrell—9.

NOT VOTING—Senator Thompson—1.

Senator McLeary moved the previous question on the amendments pending.

Seconded.

The main question ordered.

The second clause of Senator Douglass' amendment was adopted, and the bill passed to a third reading.

Senator McLeary moved to suspend the rules, and place the bill on its third reading.

Carried by the following vote :

YEAS—Senators Blassingame, Burton, Crain, Edwards, Francis, Ford,

Grace, Guy, Henry J. R., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson—22.

NAYS—Senators Ball, Douglass, Henry F. M., Wortham—4.

Senator Ball offered the following amendment:

Strike out the word, "Receiver," wherever it occurs in the bill, and insert the words, "Comptroller, and take his receipt therefor, and deposit the same with the Commissioner of the General Land Office."

On motion of Senator McLeary, the amendment was tabled.

Senator Douglass offered the following amendment:

Amend Section 1, line 4, by striking out, "ten dollars," and inserting, "seven dollars and fifty cents."

Senator Grace moved the previous question on the pending amendment, and the passage of the bill.

Seconded.

The main question ordered.

The amendment of Senator Douglass was lost by the following vote (it taking a two-thirds vote to adopt):

YEAS—Senators Ball, Crain, Douglass, Edwards, Francis, Henry F. M., Hobby, Ledbetter, McCormick, McCulloch, Moore, Piner, Ripetoe, Thompson, Wortham—15.

NAYS—Senators Blassingame, Burton, Ford, Grace, Guy, Henry J. R., Martin, McLeary, Stephens, Storey, Terrell—11.

Bill read third time, and passed by the following vote:

YEAS—Senators Blassingame, Burton, Crain, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson—22.

NAYS—Senators Ball, Douglass, Henry F. M., Wortham—4.

A message was received from the House, announcing the passage by that body of Senate Bill No. 350, "An Act to provide for the time of holding the District Court of the Sixth Judicial District of the State of Texas."

Also, that the House receded from its amendment No. 5 to substitute for Senate Bill No. 144 (the railway incorporation act), and which the Senate refused to concur in.

On motion of Senator Blassingame, the rules were suspended, and House Bill No. 186, "An Act to amend an act entitled, 'An Act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane,' approved February 5, 1858," was taken up and read first time, and report of the committee, recommending that the bill do not pass, rejected.

On motion of Senator Blassingame, the rules were further suspended, to place the bill on its second reading, by the following vote:

YEAS—Senators Blassingame, Burton, Crain, Douglass, Francis, Ford, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Moore, Piner, Stephens, Storey, Terrell, Thompson, Wortham—21.

NAYS—None.

NOT VOTING—Senators Ball, Edwards, Grace, Martin, Ripetoe—5.

Senator McLeary moved a call of the Senate.

Seconded.

Roll called.

ABSENT—Senators Edwards, Grace, Martin, Ripetoe—4.

On motion of Senator Blassingame, the call was suspended.

Bill read third time.

Senator Blassingame offered the following amendments:

In Section 1, line 32, after the word, "for," insert, "it shall be the duty of the County Attorney to appear for and represent the State and." Adopted.

In Section 2, line 4, after the word, "ascertain," insert, "and to state in the authenticated proceedings to be sent to the Superintendent of the State Lunatic Asylum: *First*—The age, nativity, and civil condition of the lunatic. *Second*—The number of attacks, and how long the present one has existed. *Third*—Whether the insanity is hereditary or not."

Adopted.

Senator Francis offered the following amendments:

In Section 3, line 10, strike out all before the word, "shall."

In same section, line 13, strike out all after the word, "vacancy," down to the word, "thereupon," in line 14.

Adopted.

In Section 6, line 4, strike out all down to the word, "for."

Adopted.

Senator Ball offered the following amendment:

Strike out the word, "county," where it occurs in Section 6, and insert the word, "State."

Lost.

Senator McLeary offered the following as an additional section:

"SEC. 7. In receiving patients into the Asylum, preference shall be given, in all cases, to indigent patients."

Make Section 7 Section 8.

Adopted.

The bill then passed to third reading.

On motion of Senator McLeary, the rules were further suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Wortham—25.

NAYS—None.

NOT VOTING—Senator Thompson—1.

The bill was then read third time, and passed by the following vote:

YEAS—Senators Ball, Blassingame, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Wortham—25.

NAYS—None.

NOT VOTING—Senator Thompson—1.

Senator Storey, by leave, introduced a bill to be entitled: "An Act to make available the unexpended balance of the appropriation of May 4, 1874, for the office of Adjutant-General, etc., for the purchase of arms."

Read by caption and referred to Committee on Finance.

On motion of Senator Crain, the rules were suspended, and Senate Bill No. 381, "An Act to provide for the transferring of all criminal cases in which indictments have been found to the proper courts having juris-

diction thereof," was taken up, read second time, and ordered engrossed

On motion of Senator Crain, the rules were further suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Burton, Crain, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Wortham—24.

NAYS—None.

NOT VOTING—Senators Douglass, Thompson—2.

The bill was then read a third time, and passed by the following vote:

YEAS—Senators Ball, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Wortham—24.

NAYS—None.

NOT VOTING—Senators Blassingame, Thompson—2.

On motion of Senator Burton, the Senate adjourned until to-morrow morning at 9 o'clock.

NINETY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, August 11, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

The President *pro tem.* signed Senate Bill No. 350, "An Act to change and define the times of holding the terms of the District Courts in the Sixth Judicial District of the State of Texas."

Senator Hobby presented the memorial of Merrick & Durant, amending their former memorial, asking that, under certain circumstances, they be permitted to bring suit against the State, to establish their claim in some court having competent jurisdiction, and that the suit so permitted may be conducted on the original facts of the case, independent of, and notwithstanding, their receipt for eight thousand dollars," etc.

Referred to Judiciary Committee No. 1.

The following House Bills were taken up by the President *pro tem.*, and referred as follows:

House Bill No. 192—"An Act to amend the act of November 8, 1866, amending an act entitled, 'An Act to establish a penal code,'" approved August 26, 1856.

Referred to Judiciary Committee No. 2.

House Bill No. 406—"An Act to authorize the Commissioners' Courts to procure buildings for the use of County Courts in certain cases."

Referred to Judiciary Committee No. 2.

House Bill No. 416—"An Act to prohibit the Judges of County Courts of this State from practising as attorneys or counselors-at-law in the County Courts and the Courts of Justices of the Peace of the State, and to affix a penalty for a violation of its provisions."

Referred to Judiciary Committee No. 1.

House Bill No. 386—"An Act to authorize the Comptroller to draw